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AMERICAN MOTORISTS INSURANCE COMPANY

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

JOSEPH F. HARBISON, III dba JOSEPH F. HARBISON, III & ASSOCIATES,	)	<b>No. CIV.S-04-2542 FCD/ JFM</b>
	)	
Plaintiff,	)	<b>STIPULATION AND ORDER</b>
	)	<b>TEMPORARILY STAYING ACTION</b>
v.	)	<b>AND CONTINUING STATUS</b>
	)	<b>CONFERENCE</b>
AMERICAN MOTORISTS INSURANCE	)	
COMPANY,	)	
	)	
Defendant.	)	

The parties to this action, by and through their respective counsel, stipulate as follows:

1. Because defendant's indemnity obligation and alleged breach of the implied covenant of good faith and fair dealing cannot be determined until resolution of the Underlying Action, the parties agree that this action should be temporarily stayed until the Underlying Action is resolved. Trial of the Underlying Action currently is set for November 20, 2007.

2. The parties further stipulate and request that all deadlines and hearings currently scheduled be vacated, including the status conference currently set for September 21, 2007.

3. The parties also stipulate and request that a further status conference be scheduled for March 28, 2008 at 10:00 a.m., with an updated joint status report due March 18, 2008.

DATED: September 20, 2007

LOMBARDI, LOPER & CONANT

By: /s/ Ralph A. Lombardi  
RALPH A. LOMBARDI  
Attorneys for Plaintiff

WAXLER CARNER WEINREB & BRODSKY LLP

By: /s/ Marnin Weinreb  
MARNIN WEINREB  
Attorneys for Defendant

**ORDER**

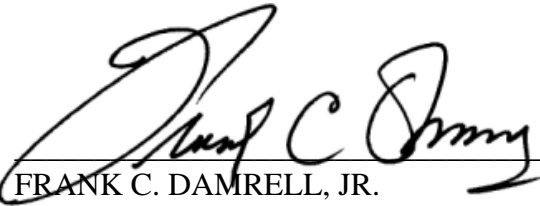
IT IS HEREBY ORDERED that

1. This action is temporarily STAYED until the Underlying Action is resolved. Trial of the Underlying Action currently is set for November 20, 2007.

2. All deadlines and hearings currently scheduled are vacated, including the status conference currently set for September 21, 2007.

3. A further status conference is set for March 28, 2008 at 10:00 a.m. An updated joint status report must be filed by March 18, 2008.

DATED: September 21, 2007

  
FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE